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July 21, 2008

**CERTIFIED MAIL RECEIPT NO. 91 7008 2008 2943 4883**  
**and FACSIMILE @ 202.339.3323**

**Federal Election Commission  
General Counsel's Office  
ATTN: Jeff S. Jordan  
999 E Street, N.W  
Washington, D C 20463**

**Re. Matter Under Review 6029 (MUR 6029)**

**Dear Mr. Jordan:**

On or about July 7, 2008, the Missouri Republican State Committee received a copy of your letter dated June 30, 2008 along with a copy of the complaint initiating MUR 6029. This written response is being timely submitted within 15 days of receipt. This response is being filed on behalf of the Missouri Republican State Committee, its treasurer Richard C. Pearson, and the 2008 Missouri Republican State Convention Credentials Committee (Credentials Committee). Statements of Designation of Counsel are attached hereto.

The complaint is baseless. It should be dismissed and the Federal Election Commission should take no further action on it. The complaint is divided into six alleged violations. This letter will respond to each allegation individually.

#### **Response to Alleged Violation I**

The complaint alleges that a letter dated April 14, 2008 and sent from "Roch Magee, Chairman 2<sup>nd</sup> Congressional District" should have included a disclaimer. The complaint alleges that the "Missouri State Republican Party" was responsible for publication of the letter because it was identified in the body of the letter.

First, as a general matter, the April 14th letter was not sent from the Missouri Republican State Committee or anyone at the Missouri Republican Party. On its face, it clearly states that it was sent from the chairman of the 2nd Congressional District. That committee is not a federal political committee. Accordingly, it is not subject to the regulations concerning disclaimer requirements for federal political committees.

Moreover, in the statutes, regulations, and the explanation and justification for the regulations, Congress and the Federal Election Commission (FEC) have clearly stated that amounts expended by state, district, and local committees of political party committees for "the

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costs of a State, District, or local political convention, meeting or conference" are not federal election activities. 2 U.S.C. § 431(20)(B)(iii); 11 C.F.R. § 100.25(c)(3); Final rule, Federal Election Commission, Prohibited and Excessive Contributions: Non-Federal Funds or Soft Money, 67 Fed. Reg. 49064, 49070 (July 29, 2002) (excluded activities "always may be paid for with entirely non-Federal funds") To the extent the complaint is arguing that convention activities are federal election activities, it is simply mistaken. Since the 2nd Congressional District Republican Committee is not a federal political committee and convention activities are specifically treated as excluded activities, the complaint's first allegation does not state a claim over which the FEC has jurisdiction.

**Response to Alleged Violation II**

The complaint next alleges that a March 2008 letter signed by Congressman Todd Akin violated unidentified federal disclosure laws, the U.S. Constitution, the first clause of the Preamble to the Constitution, U.S. laws, 42 U.S.C. § 1983, House Ethics rules, the Code of Ethics for Government Service, *Plessy v. Ferguson*, and *Brown v. Board of Education*. This portion of the complaint does not identify a violation of any statute or rule over which the FEC has jurisdiction. This Commission's jurisdiction is limited to enforcing the Federal Election Campaign Act (FECA) and chapters 95 and 96 of title 26 (the Internal Revenue Code) 2 U.S.C. § 437g(a), 11 C.F.R. § 111.1. More specifically, the complaint does not allege a violation of any FECA statute or regulation by the Missouri Republican State Committee, its treasurer Richard Pearson, or the Credentials Committee. Accordingly, the allegations against them are baseless.

**Response to Alleged Violation III**

The complaint alleges that the respondents failed to provide certain information to him. Nothing in the FECA or any FEC regulation compels the Missouri Republican State Committee or the Credentials Committee to comply with demands for information from persons such as the complainant. The complaint does not cite to any statute or regulation that has been violated. Accordingly, the complaint fails to state a violation over which this Commission has jurisdiction.

**Response to Alleged Violation IV**

The complaint then reviews disclaimers for certain websites. None of those relate to the Missouri Republican State Committee, its treasurer Richard Pearson, or the Credentials Committee. The fourth allegation states no violations against them.

**Response to Alleged Violation V**

For its fifth violation, the complaint appears to allege that the 2nd Congressional District Republican Committee violated some law or regulation by using a sign-in sheet for its

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convention. There does not appear to be any alleged violation against the Missouri Republican State Committee, its treasurer, or the Credentials Committee in this section. Even if there were, conventions of local or district political parties are expressly excluded from the definition of Federal Election activity and may be financed entirely with federal funds. Moreover, a sign-in sheet is not a "public communication" because it is not "general public political advertising." 2 U.S.C. § 431(22); 11 C.F.R. § 100.26. A sign-in sheet is directed to a limited group of people by definition. Cf. 11 C.F.R. §§ 100.27, 100.28 (mass mailings and telephone banks must be directed to more than 500 people to qualify as public communications). The form of the sign-in sheet used for a political party convention is not subject to regulation by the FEC

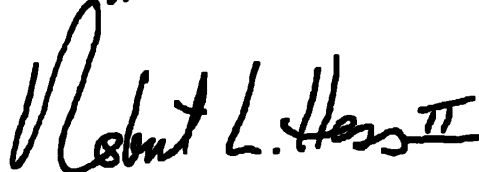
#### **Response to Alleged Violation VI**

Similarly, the complaint alleges that the use of a sign-in sheet for a meeting of the Credentials Committee was a "public communication" that was required to be financed with federal funds. First, as noted above, a sign-in sheet is not "general public political advertising." 2 U.S.C. § 431(22); 11 C.F.R. § 100.26. Second, the complaint includes no information to support its allegation that the sign-in sheet was not paid for with federal funds. Even if true, that allegation would not state a violation because the costs of state, local or district conventions are excluded activities that may be financed entirely with non-federal funds. 2 U.S.C. § 431(20)(B)(iii); 67 Fed. Reg. at 49070.

#### **Conclusion**

The complaint is baseless and does not warrant the expenditure of any FEC resources to investigate it. It should be dismissed. If you require additional information, please do not hesitate to contact me.

Sincerely,



**ROBERT L. HESS II**

RLH:ow

Enclosures

cc Jared Craighead (w/o enclosures)  
Richard Pearson (w/o enclosures)

29044230541



FEDERAL ELECTION COMMISSION  
999 E Street, NW  
Washington, DC 20463

**STATEMENT OF DESIGNATION OF COUNSEL**  
**Please use one form for each Respondent/Client.**  
**FAX (202) 219-9923**

MUR # 6029

NAME OF COUNSEL: Robert L. Hess II

FIRM: Husch Blackwell Sanders LLP

ADDRESS 235 East High Street

Jefferson City, MO 65101

TELEPHONE- OFFICE ( 573 ) 635-9118

FAX ( 573 ) 634-7854

The above-named individual and/or firm is hereby designated as my  
counsel and is authorized to receive any notifications and other communications  
from the Commission and to act on my behalf before the Commission

7/21/2008 [Signature] Treasurer  
Date Respondent/ Client Signature Title

RESPONDENT/CLIENT 2008 Missouri Republican State Convention Credentials Committee  
(Please Print)

MAILING ADDRESS 204 East Dunklin Street

Jefferson City, MO 65101

TELEPHONE- HOME ( ) \_\_\_\_\_

BUSINESS ( 573 ) 636-3146

Information is being sought as part of an investigation being conducted by the Federal Election Commission and the confidentiality provisions of 2 U.S.C. § 437g(a)(12)(A) apply. This section prohibits making public any investigation conducted by the Federal Election Commission without the express written consent of the person under investigation.



FEDERAL ELECTION COMMISSION  
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Washington, DC 20463

**STATEMENT OF DESIGNATION OF COUNSEL**  
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MUR # 6029

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FAX (573 ) 634-7854

The above-named individual and/or firm is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

7/21/2008 [Signature] Treasurer  
Date Respondent/ Client Signature Title

RESPONDENT/CLIENT Richard C. Pearson, Treasurer  
(Please Print)

MAILING ADDRESS 204 East Dunklin Street

Jefferson City, MO 65101

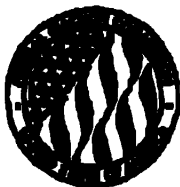
TELEPHONE- HOME ( ) \_\_\_\_\_

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FEDERAL ELECTION COMMISSION  
999 E Street, NW  
Washington, DC 20463

**STATEMENT OF DESIGNATION OF COUNSEL**  
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MUR # 6029

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The above-named individual and/or firm is hereby designated as my  
counsel and is authorized to receive any notifications and other communications  
from the Commission and to act on my behalf before the Commission

7-21-08

Date

[Signature]  
Respondent/Client Signature

Executive Director  
Title

RESPONDENT/CLIENT Missouri Republican State Committee  
(Please Print)

MAILING ADDRESS 204 East Dunklin Street

Jefferson City, MO 65101

TELEPHONE- HOME ( )

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